

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
NAMEL NORRIS,

Plaintiff,

-v-

RPC RESTAURANT CORP. and M & E
CHRISTOPHER LLC,

Defendants.

CIVIL ACTION NO.: 21 Civ. 8956 (JLR) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Attorney Robert P. Floyd III has filed a motion for Constangy, Brooks, Smith & Prophete LLP (“Constangy”) to withdraw as counsel for Defendant M & E Christopher LLC (“M & E”). (ECF No. 82 (the “Motion”)). Mr. Floyd claims that M & E “has substantially failed to fulfill its contractual obligation to its counsel regarding counsel’s services” and “to provide necessary documents and information required for discovery.” (*Id.* ¶¶ 2).

To permit a ruling on the Motion, the Court orders as follows:


1. By **May 23, 2024**, Mr. Floyd shall:
 - a. File a letter advising whether he, attorney John MacDonald, or Constangy will assert a retaining or charging lien (see Loc. Civ. R. 1.4);
 - b. File proof that M & E was served with the Motion;
 - c. Serve M & E with a copy of this Order and file proof of service on the docket.
2. By **June 6, 2024**, M & E shall file a response to the Motion. Mr. Floyd is directed to ensure that any response by M & E is filed on the docket.

M & E is advised that, by law, corporations cannot proceed pro se. Jacobs v. Pat. Enf’t Fund, Inc., 230 F.3d 565, 568 (2d Cir. 2000). Accordingly, in the event the Motion is granted,

M & E's failure to retain new counsel may lead to entry of a certificate of default and a default judgment. See Fed. R. Civ. P. 55(a).

Dated: New York, New York
May 22, 2024

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge